

ADMINISTRATIVE SEPARATIONS

MILLAW 5.4

Terminal Objective

- Upon completion of this unit of instruction, the student will demonstrate knowledge of the fundamental principles and administrative procedures pertaining to military law.

Enabling Objectives

- 5.42 Explain the administrative discharge process
- 5.43 Define punitive and admin discharge
- 5.44 State the difference between punitive and admin discharges
- 5.45 Explain notification procedures
- 5.46 List the 2 criteria used to determine the appropriateness of an admin discharge

Enabling Objectives

- 5.47 Explain the 2 possible procedures used to process a person for an admin discharge
- 5.48 State the rights afforded to a person being processed for an admin discharge
- 5.49 State the function of the Admin discharge board
- 5.50 Name the final admin discharge authority



Question and Answer Policy



Navy Policy & Authority for Administrative Separations

- Navy Policy is to promote readiness by maintaining high standards of performance.
- Administrative Separation: Member discharged before enlistment is up.
- Separation Authority: Officer who discharges/releases member from active duty.



Mandatory Processing

- Drug abuse - All personnel
- Misconduct due to civilian convictions -
Offense resulted in serious injury or death



3 Levels Characterized Discharges

- I. Honorable Discharge
- II. General Under Honorable
Conditions
- III. Other Than Honorable (OTH)



I. Honorable Discharge

“Met acceptable standards of conduct and performance of duty... marked by proper personal and military behavior with proficient and industrious performance of duty.”



II. General Under Honorable

“Service has been honest and faithful but significant negative aspects of the member’s conduct and performance of duty outweigh positive aspects of the person’s record.”

Other Than Honorable

“One or more acts or omissions that constitute a significant departure from conduct expected from members.”



Uncharacterized Separations

- I. Entry Level Separation - Less than 180 days on active duty
- II. Void Enlistment

2 Types of Punitive Discharges

- I. Bad Conduct Discharge - BCD
- II. Dishonorable Discharge - DD



Administrative Discharge

I. Grounds -

**EAOS, Commissioning Programs,
Hardship, Parenthood, Personality
Disorder, Disability, Misconduct, UNSAT
Performance, Best interest of the Navy**

II. Evaluation Marks



Notification Procedures

- Is used when an Admin Board is not required
- Member is notified in writing that they are being considered for an admin discharge, the grounds the discharge is based on, and what their rights are



Rights of Member being Processed for Admin Discharge

- Notified in writing
- To consult a lawyer
- To make a statement



Admin Board is Authorized if

- The grounds warrant a characterization of service OTH conditions
- The member has six years or more of active/reserve service
- Required by the grounds



Discharge Authority

- Commanding Officers with Special Courts-

Martial Convening Authority

- BUPERS retains final discharge authority for Admin Discharge Boards